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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. MJ 08-587
09 Plaintiff,)
10 v.)
11 ARMANDO LEON PENALOZA,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged:

15 Conspiracy to Distribute Heroin

16 Date of Detention Hearing: December 23, 2008

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
19 that no condition or combination of conditions which defendant can meet will reasonably assure
20 the appearance of defendant as required and the safety of other persons and the community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 (1) Defendant is reportedly a citizen of Ecuador and Mexico.

01 (2) The United States alleges that his presence in this country is illegal. There is an
02 immigration detainer pending against him. The issue of detention in this case is therefore
03 essentially moot, as the defendant would be released to immigration custody if not detained in this
04 case.

05 (3) Defendant and his counsel offer no opposition to the entry of an order of detention.

06 (4) Upon advice of counsel, defendant declined to be interviewed by Pretrial Services.
07 Therefore, there is limited information available about him.

08 (5) There does not appear to be any condition or combination of conditions that will
09 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
10 to other persons or the community.

11 It is therefore ORDERED:

12 (1) Defendant shall be detained pending trial and committed to the custody of the
13 Attorney General for confinement in a correction facility separate, to the extent
14 practicable, from persons awaiting or serving sentences or being held in custody
15 pending appeal;

16 (2) Defendant shall be afforded reasonable opportunity for private consultation with
17 counsel;

18 (3) On order of a court of the United States or on request of an attorney for the
19 Government, the person in charge of the corrections facility in which defendant is
20 confined shall deliver the defendant to a United States Marshal for the purpose of
21 an appearance in connection with a court proceeding; and

22 (4) The clerk shall direct copies of this Order to counsel for the United States, to

01 counsel for the defendant, to the United States Marshal, and to the United States
02 Pretrial Services Officer.

03 DATED this 23rd day of December, 2008.

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05 Mary Alice Theiler
06 United States Magistrate Judge